

In re Reissue Patent Application  
for **Patent No. 5,711,100**  
**WILLIAM A. ELMER**  
Serial No. **10/098,648**  
Filing Date: **March 15, 2002**

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## **REMARKS**

Applicant and undersigned thank the Examiner for the examination and guidance provided in the examination of this reissue application. Applicant believes this application is now in a condition for allowance. As noted in the Board of Appeals decision, Claims 1, 4-12, 18 and 26 are allowed. Claims 1, 2 and 4-26 remain in the case. Claim 3 has been cancelled as previously presented.

### **I. Litigation Status**

In patent infringement litigation for William A. Elmer v. Goldenrod Pizza LLC, Case No. 6:01-CV-673-ORL-28GJK, the United States District Court, Middle District of Florida, Orlando Division, issued a stay in the case pending disposition by the United States Patent and Trademark Office of a Reissue Application for the US Patent No. 5,711,100 in suit.

### **II. Drawings**

The drawings of FIGS. 1, 1A and 3 are amended as guided by 37 CFR 1.173. Replacement sheets are attached and identify the amended drawings, as required. As presented above, FIG. 1A is amended to add numeral 114 as supported by the specification Col 2, Line 60, and replace numeral 134 with numeral 137, as supported by Amendment filed May 19, 2006. FIG. 3 is amended to relocate designator line of numeral 180 from hood to roof, as supported by the specification Col 3, Line 45. No new matter is added by this amendment.

### **III. Supplemental Reissue Declaration**

The attached Supplemental Reissue Declaration by the Inventor is herein submitted to overcome objections to an earlier filed declaration found to be defective by the Examiner because it did not define all reasons for the reissue application..

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**IV. Claim Amendments Submitted with Appropriate Status Identifiers**

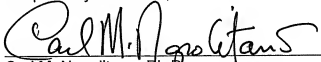
As presented above, each claim is now presented with an appropriate status identifier. Further, Claims 1, 4-12, 18 and 26 were earlier allowed. Claims 2, 13-17, 19, 24 and 26 are amended as supported by the specification and to more clearly claim that which Applicant believes to be invention. Claims 1, 2 and 4-26 remain in the case.

**V. Conclusion**

The undersigned thanks Examiner Hoge for the guidance provided in the telephone interview of 1130/2011. In addition, thanks are given to Special Programs Examiner Luu for the guidance provided regarding Reissue Rules and for the recommendations made regarding this response.

Applicant believes that this application is now in a condition for allowance and passage to issue is therefore respectfully solicited. If the further prosecution of this application can be facilitated through a telephone interview between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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